



## Ohio Revised Code

### Section 4913.20 Factors to be considered.

Effective: March 23, 2015

Legislation: Senate Bill 378 - 130th General Assembly

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In determining a fine or penalty recommendation or imposition or whether no enforcement action should be taken under section 4913.15, 4913.16, 4913.171, 4913.19, or 4913.25 of the Revised Code, the underground technical committee, the public utilities commission, and the commission staff, as applicable, shall consider the following factors, as they apply:

(A) The person's demonstrated history of one-call, design, and excavation practices, including the following:

- (1) The number of locate requests received and responded to;
- (2) The number of locates completed;
- (3) The number of one calls placed;
- (4) The number of excavations completed;
- (5) The number of design or development projects.

(B) The nature, circumstances, and gravity of the compliance failure, including the amount of damage involved in relation to the compliance failure, and whether it resulted in death, serious injury, dismemberment, or a significant threat to public safety;

(C) The organizational size of the responsible person;

(D) The prospective effect of a fine on the person's ability to pay business obligations and otherwise conduct business;

(E) The history or number of compliance failures by the person;



(F) The good faith effort on the person's part in attempting to achieve compliance after the compliance failure was identified.

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